IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 21405 of 2002

Between:

Nemath Ullah Khan, s/o. Zaffarullah Khan,

R/o.H.No.9-4-77/A/70, A1-Hasnall Colony,

Tolichowk Road, Hyderabad.

..... PETITIONER

AND

1. Jawaharlal Nehru Technological University, Hydeabad,

Rep.by its Vice-Chancellor, Kukatpally, Hyderabad-500072.

2. Registrar, J.N.T.U., Kukatpally, Hyderabad-500072.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus directing the respondents to promote the petitioner from 2nd Year to 3rd Year B.Tech. course irrespective of the letter No.A1/Academic-Regulations/1999-2000, dt.6-9-2001 issued by the 2nd respondent and set aside the same as being illegal and contrary to law.

Counsel for the Petitioner : MR. K.JITHENDER BABU

Counsel for the Respondents : M/s. C.KODANDA RAM, SC

The Court made the following :

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ORDER :

The petitioner is a student of II Year B.Tech. (ECE). He filed the present writ petition seeking a direction to the respondents to promote the petitioner from II Year to III Year B.Tech. course irrespective of the letter No.A1/Academic-Regulations/1999-2000, dated 6-9-2001 issued by the University. The question raised herein is squarely covered by the judgment of this Court in W.P.No.27418 of 2003 and batch, dated 9-3-2004 rendered by my learned brother Hon'ble Sri Justice A.Gopal Reddy. His Lordship, after considering the regulations for B.Tech. course framed by Jawaharlal Nehru Technological University (JNTU), laid down as under.

A reading of Regulation 6(ii) and 6(iii) will indicate both operate in different circumstances, namely 6(ii) mandates that candidates shall complete all the I year subjects within three consecutive academic years from the year of admission, failing to complete within the prescribed period he will lose his seat even though he completes the 2nd semester of II year examination. But whereas 6(iii) envisages promotion of the student from II year to III year on his fulfilling academic requirements of 56 credits from the I year (regular and supplementary) and regular examination of II year I Semester, and even if a candidate not completed all the subjects of I year but still he earns only 28 credits apart from 28 credits of the II year I Semester regular examination he is eligible to be promoted to III year, since the candidates are entitled to fulfil the academic requirement with regard to I year subjects within three consecutive years from the year of admission.

Following the above judgment of this Court, the writ petition is dismissed. No costs.

(V.V.S.RAO, J.)

Dt.27-08-2004.

Msr.

To

1. Jawaharlal Nehru Technological University, Hydeabad,

Rep.by its Vice-Chancellor, Kukatpally, Hyderabad-500072.

2. Registrar, J.N.T.U., Kukatpally, Hyderabad-500072.

3. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)